

**NOTE: These minutes do not constitute a verbatim transcription of the CPC meeting.**

**CITY PLANNING COMMISSION  
REGULAR MEETING  
October 20, 2005**

**APPROVED**

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13<sup>th</sup> Floor of the Coleman A. Young Municipal Center, at 4:42 PM.

Roll Call: Present at the meeting were Commissioners Cason, Christensen, Glaser, Glenn, Jeffrey, Simons, and Smith. Absent were Commissioners Wendler (excused) and Williams (excused).

Agenda: The Agenda was approved as submitted.

Minutes: **ACTION:** Commissioner Glenn moved to approve the minutes of the regular meeting of September 22, 2005.  
Commissioner Cason seconded the motion.

Commissioner Christensen noted numerous errors in the September 22, 2005 prepared by Modern Court Reporting. These included misspelling of the names of Commissioners and staff, incorrect attendance records, misidentification of speakers and gaps in the transcription.

Ms. Bruhn stated that the minutes would be corrected and brought back to the CPC for approval.

**ACTION:** Commissioner Cason moved to approve the minutes of the regular meeting of October 6, 2005.  
Commissioner Christensen seconded the motion.  
Motion carried.

DISCUSSION--  
Update on  
Lead:

Jannie Warren, Eric Johnson and Angela Dean of the Housing Services Division of the Planning and Development Department (P&DD), Gwendolyn Franklin of the Childhood Lead Poisoning Prevention and Control Program of the Department of Health and Wellness Promotion, and Mary Sue Schottenfels, Executive Director of CLEARCorps/Detroit and LEAP (Lead Elimination Action Program) provided an update on lead.

Ms. Franklin presented information on Detroit's Childhood Lead Poisoning Prevention and Control program which is funded by the City of Detroit and the state and federal government. The funds are used to provide public health nurses, community health assistance, testers and case managers.

Lead poisoning has been a public health issue for many years. In 2000, the City of Detroit implemented a universal testing policy for all children under the age of 6. These children are tested at least once, particularly those aged 0-3 years. Approximately 35,000 children are now being tested per year. As the number of children tested per year increases, the number of children identified as being lead poisoned has decreased. Current figures show 6.5% of the number of children tested has lead poisoning. This is lower than the 10% figure cited in previous years. The City of Detroit has adopted a mandate to eliminate lead poisoning by the year 2010 and has created a living document to follow in meeting that goal. Specifics of the plan include lead testing, case management, legislation, and removal of lead from houses. Copies of the document were distributed to Commissioners.

The City still has problems in identifying property owners who rent out houses containing lead. The tax records are not always accurate. The City is working with the Wayne County Prosecutor to prohibit property owners from renting out "poisoned" houses. Violations are issued. P&DD and the Health Department are working with HUD to identify strategies to educate these property owners on taking responsibility for the safe removal of lead through certified lead abaters.

Commissioner Simons inquired as to whether children over the age of 6 are being tested for lead. Ms. Franklin noted that children over the age 6 are not at a greater risk. The City has established a universal testing policy. Any child under age 6 needs to be tested once a year.

Houses built before 1978 are tested for lead. Sixty percent of the housing in the City of Detroit was built before 1950.

Commissioner Christensen noted that many new residents in Southwest Detroit are using heat guns to remove woodwork from their houses. The guns give off dangerous fumes. Mr. Johnson stressed the dangers and health risk to adults using the guns as well as to children who are in the area. Respiratory equipment should always be used when using the guns.

Ms. Warren reviewed the City's housing programs addressing lead. Detroit is number 5 or 6 on the list of cities in the nation with the highest number of lead poisoned children. Five years ago, HUD changed its rules regarding the repair of homes using Community Development Block Grant funds in order to address lead. Community organizations are not able to repair as many houses as they have in the past because they have to address lead. A recent workshop attended by 42 community groups indicated that the organizations are only able to repair 4-5 houses per year because of the need to abate lead. Lead abatement and elimination steps require additional layers of inspection. Persons performing the abatement must be certified. Risk assessments are now being performed in-house by P&DD staff. One year ago, the City received a \$4 million matching fund demonstration grant. Ms. Warren noted collaborative efforts with other organizations in order to stretch the funding. The funding will assist in putting in additional funding to address lead in houses.

Ms. Warren cited efforts to educate the public on the responsibilities of single-family and multi-family landlords. Oftentimes, the population in these households is young mothers. They may not want to report who the landlord is out of fear. Ms. Warren noted the efforts of

the Governor's Task Force in providing testimony in attempts to prosecute landlords who have violated lead disclosure laws and/or failed to correct lead problems in multiple cases.

Commissioner Simons inquired as to the sources of lead. Mr. Johnson noted that lead was a component in house paint for many years to add shine and durability. Lead was always used in wood surface products.

Upon questioning, Ms. Warren noted the challenges of P&DD in providing home repair funds and abating or eliminating lead given numerous budget constraints and the diverting of resources to other programs. She cited successful efforts in collaborating and partnering with other entities in order to maximize funding.

Commissioner Cason inquired as to the effect of lead poisoning after age 6. Ms. Franklin noted the irreparable effects of lead poisoning, including damage to the nervous system and vision and learning difficulties. Generally, the challenges are life-long. Lead poisoning, however, is preventable.

Commissioner Jeffrey commended the departments for the progress in eliminating lead. He cited the need to prosecute to the fullest extent of the law those offenders who continually rent out "lead poisoned" houses. Families need to be educated that legal action can be taken against multiple case offenders. It is reprehensible that these violators rent their properties to families knowing the risk to children. Many attorneys are taking on cases to prosecute violators. Families should know that they should contact these attorneys and "hit the pocketbooks" of the violators. The families need to take legal recourse.

Ms. Warren noted information contained in the databases prepared by the Department of Health and Wellness and the Environmental Protection Agency, which assists in tracking down the owners of lead poisoned houses. Some of the owners are national companies that own several structures, other are local landlords, the elderly and others who are not aware that their properties contain lead.

Mr. Johnson reviewed lead disclosure laws. It is a federal offense to knowingly rent out lead contaminated properties.

Commissioner Glenn noted the rental certification ordinance. Houses should be certified prior to being rented out. Lead is not only found in paint products, but also in water pipes and shingles.

In response to Commissioner Glenn, Ms. Franklin noted that the Health Department does meet with community organizations to discuss the hazards of lead and lead abatement programs.

Ms. Schottenfels noted that 1 in 5 children are lead poisoned.

Ms. Schottentfels noted the progress of the lead hazard reduction activities.

Over 150 property owners have requested applications for LEAP grants; over 70 have completed the process. Fifty-six houses have been completed or are in the process of being

completed with all lead hazards eliminated. Sixty risk assessments have been completed assessing all lead hazards in 60 housing units. LEAP Detroit is partnering with the State to create a new Loan Plus program. Participants will receive a free Risk Assessment, a \$2,500 starter grant from the State and a 4% loan to make their properties lead safe. A total of 89 property owners have requested applications.

LEAP Detroit is involved in outreach, education and case management. Three community meetings were held with over 140 community members and property owners in attendance. Partnerships have begun with several schools in the targeted zip codes. Outreach to area health providers and one-on-one case management services are being provided. LEAP Detroit is involved in primary prevention including outreach to pregnant women through specialized high schools, WIC, health start programs and medical providers. A community awareness campaign has been undertaken including partnership with NAACP to deliver flyers, targeted door-to-door campaign conducted by WSU Center for Urban Studies, outreach to over 50 community and health and human service groups and prominent coverage in the NAACP Annual Freedom Fund Dinner booklet. Over 20,000 community members have been reached.

LEAP Detroit has co-sponsored three lead safe work practice training workshops. Along with Detroit Lead Partnership and Michigan Lead Safe Partnership, LEAP has worked to assure passage of four State lead poisoning prevention bills. LEAP has fomented the creation of several key partnerships. It has received over \$1.2 million in funding from HUD, DTE Foundation, Knight Foundation and the Skillman Foundation, contributions from corporations and banks, and Connect Detroit.

Ms. Bean noted programs that have been closed temporarily because of the lack of funding.

Commissioner Simons inquired as to whether lead based paint is in use today. Ms. Schottenfels responded affirmatively but for commercial properties only. Ms. Warren noted that lead can be found in many items, e.g., old pottery, jewelry and toys. A flyer announcing the observing of National Lead Week was distributed to the Commissioners

PUBLIC  
HEARING—  
Request of  
MotorCity  
Casino LLC  
to rezone  
the area of  
Grand River,  
Elm, Brook-  
lyn and  
Temple  
from  
PD to  
SD5:

A public hearing was held on the request of MotorCity Casino LLC to rezone property generally described as the north portion of the area bounded by Grand River, Elm, Brooklyn and Temple from PD (Planned Development District) to SD5 (Special Development District for Casinos). The proposed rezoning is being requested so that the subject property can be included as a part of the permanent MotorCity Casino complex.

CPC staff member Marcell Todd reviewed the background information, surrounding zoning and land use and the design for the casino complex.

The petitioner intends to acquire the approximately .25 acre subject property located to the north of the existing casino building which fronts Grand River Ave. and proposes to construct a ground floor VIP valet parking entrance and a 64,000 square foot addition to the second floor of the existing building for casino gaming. The subject property is currently used for surface parking and is held under a purchase agreement by the casino.

Mr. Todd noted that gaming activities in the temporary casino are currently staged across the four levels of the Wagner Building (former Wonder Bread Bakery). Under the recently approved SD5 zoning for the proposed permanent casino, gaming was to be redistributed across the lower three levels. The requested rezoning would permit a second floor gaming area expansion that would facilitate the programming of all casino gaming on the first and second levels of the building. At the ground level, beneath the new gaming area, a VIP valet entrance would be introduced including ingress and egress points as well as provision for vertical circulation.

Building materials for the addition are consistent with what was previously approved for the complex. The first floor would be enclosed with a glass and metal storefront treatment, including a stone base to match the enclosure to be applied to the existing building. The second floor would be clad with a metal panel system matching the cladding intended for the existing building. Glass and metal decorative fins reminiscent of the Art Deco era would accent the façade.

The Master Plan of Policies shows SC (Special Commercial Residential) as the future land use for the subject parcel. The Master Plan was amended to allow for the temporary facility in 1999. The proposed rezoning appears to be in compliance with the current Master Plan of Policies.

The subject property occupies the northern portion of the triangular-shaped block whereupon the casino proper is situated. An alleyway, partially open and partially vacated, separates the two properties. The open portion of the alley is the subject of a vacation request currently being processed by the City's City Engineering Division. The site is one of the properties previously identified by the casino for the potential purchase and expansion of the casino complex when the temporary facility was originally established in 1999. This site was then the home of two local bars which were subsequently purchased and demolished for the construction of the existing surface parking lot. The casino entered into a purchase agreement with the owner of the property in recent months and hopes to close on it in the very near future.

CPC staff noted that the rezoning would allow the casino to develop a Grand River façade for the full length of the block. It would display a more appropriate and complete face to this Gateway Radial Thoroughfare, while screening some of the less pleasant aspects of the complex and providing additional floor area and improved functionality. The addition would fully enclose and better secure the existing service bay along Grand River and the proposed VIP valet. The additional land would also accommodate the emergency egress stairs that were to be added along the Brooklyn side of the building. This means that there will be no need to vacate a lane of Brooklyn for that purpose, leaving the street open in its present configuration.

Access to the VIP valet would be from the Brooklyn side of the building. Upon arrival, patrons would enter and navigate the circular drive to the valet. The deposited vehicle would then exit at the point of entry and cross Brooklyn to the valet parking facilities. Upon drop-off, patrons would enter an elevator, which would open directly onto VIP dining, gaming and other amenities. Departing patrons would return to the valet area

for vehicle pick-up. Vehicles would then be returned from valet parking via the entry point along Brooklyn. Upon retrieving their vehicles, casino patrons would then exit the VIP valet through the Grand River portal. The Grand River portal is designed to be an exit only. No entry to the valet area is envisioned from Grand River.

The subject property would provide 22,000 square feet of additional casino floor. This addition would require 132 parking spaces. The approximately 4,000 spaces provided under the original SD5 approvals are more than enough to cover the additional required spaces.

Mr. Todd noted refinements to the exterior of the casino complex since the Commission's last review in the summer. A high quality metal panel will be used as the primary cladding for the casino, the hotel and the food service and events building. Precast concrete, stone, glass and other materials will be deployed throughout to complement and articulate the facades. The hotel tower has been enhanced by wrapping the glass curtain wall around the building corners to partially enclose the east and west facades. The storefront treatment will include a stone ledge and will define the ground floor façade for much of the complex excluding the parking decks.

The casino building is to be clad with the metal panel and decorative fins along with the ground floor storefront treatment described above. The tallest portion of the building, the third and fourth stories of the Wagner Building, along Grand River at Temple, includes a mechanical screen atop the roof, inspired by the top floor of the hotel tower. The screen sets off this end of the building and begins to denote the vehicular entrance to the complex. A band of super graphic images similar to the previous vision but less imposing will be placed at the south end of the building. The metal panel portions of the façade include small random rectangular recesses of varied sizes to imply window openings. The casino is still exploring other refinements and variations to the façade.

The northernmost portion of the ground floor enclosure of the valet contains the stairwells providing emergency egress from the second floor casino expansion above that creates a rounded corner for the building at Grand River and Elm. The rounded corner presents an opportunity for distinct embellishment of the façade and of the ground plane with landscaping, while maintaining a safe haven for patrons in the event of emergency egress. At the opposite end of the façade at Temple there is a similar, but greater, opportunity to define a gateway to the casino. This could be achieved with material variations, signage, light, projecting structures and other embellishments working in concert with the face of the food service and events building to the south.

CPC staff felt that the enhanced look is a departure from the vision presented almost three years ago, and is now more reflective of the new ownership. The super graphics depicting images of lifestyle, entertainment and casino specific activities, which were previously intended to make the aesthetic expression for the complex, have been greatly diminished. It is now intended that the architecture of the buildings will make the aesthetic statement. The video screen, while not part of today's rezoning proposal, is still of interest to the developer and is being pursued as a future modification that would be installed below the super graphics on the Grand River façade.

Pursuant to the Development Agreements between the City and each casino developer, the developers are responsible for the costs of satisfying the conditions of approval of site plans, building elevations, and development plans for the permanent casinos. The ordinance enacting this rezoning request would include language proposed by the Law Department referencing a budget appropriation that would be used to pay infrastructure costs related to the casino.

Commissioner Cason pointed out that the design for the permanent casino had changed three times. He inquired as to when construction of the permanent casino would begin. Mr. Todd summarized the history of refinements to the casino and evolution of the design. The developers are securing permits for construction of the casino. Construction would likely start in Spring 2006.

Mike Stratte of MotorCity Casino expressed gratitude for the Commissioners' support. He noted that the hotel is projected to be completed 24 months after the start of construction.

The following persons spoke at the public hearing.

James Brunell, Jr., 2900 Rosa Parks Blvd. a resident in the area and representative of the Greater Corktown Development Corporation, expressed support. The Corporation had submitted a letter of support for the development. The development will result in clearing up traffic on Temple Ave. The development will still be compatible with the surrounding area.

Caroline Stutz, 6045 John C. Lodge, expressed support. She was in favor of anything that would improve the efficiency of the neighborhood.

Albert Stutz, 3140 Grand River, expressed support. He agreed with the comments of his wife, Caroline Stutz.

Provided consistency with the Master Plan, CPC staff recommended approval of the rezoning given that the developer continues to work with CPC staff, P&DD and other agencies as appropriate toward the refinement and finalization of the design of the casino complex; that on-site lighting features be designed and oriented in such a way as to eliminate intrusive spillover of light onto adjacent properties; that signage and graphics be subject to subsequent staff level review and approval; and that final site plans and elevations, landscaping, lighting and signage plans be submitted to the CPC staff and P&DD for review and approval prior to the issuance of applicable required permits.

**ACTION: Commissioner Glenn moved to accept the staff recommendation.  
Commissioner Cason seconded the motion.  
Motion carried.**

DISC.--  
Supreme  
Court ruling  
on the taking  
of property  
for private  
purposes:

A discussion was held with the Law Department on the impact of the recent Supreme Court ruling regarding the taking of property for private purposes.

Present for the discussion was Kimberly A. James of the Property Section of the Law Department.

Ms. James reviewed the effect of *Kelo v. City of New London* and the *County of Wayne v. Hathcock* on the City of Detroit and the eminent domain process and the burden a plaintiff must meet to successfully bring a cause of action for an unconstitutional taking resulting from a rezoning decision.

The *Kelo* case has little or no effect on rezoning decisions resulting in nonconforming uses or rezoning concerns in Michigan at this time. A land use that becomes nonconforming as a result of rezoning is grandfathered into the zoning district, retaining its value to the owner. However, a takings issue could possibly arise if someone purchases property in the district in reliance on the old zoning or if a property owner is denied a request for rezoning.

In the *Kelo* case, the City of London justified the taking of residential property for economic purposes via a statute of eminent domain. The U.S. Supreme Court agreed and determined that the city's decision to take the property for economic development satisfied the public use requirement of the Fifth Amendment of the U.S. Constitution. The fifth amendment provides "...Nor shall private property be taken for public use without just compensation." The Supreme Court noted that the city invoked a specific state statute that authorized the use of eminent domain to promote economic development. The U.S. Supreme Court held that because the City of New London's development plan served a public purpose, the challenged takings satisfied the public use requirement of the fifth amendment.

The states have the right to extend personal liberty protections beyond what is required by the U.S. Supreme Court's interpretation of federal law. In Michigan, local governments are limited by the Michigan Supreme Court's interpretation in the *Hathcock* case. The Michigan Constitution states that "private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law." The question in the *Hathcock* case was whether the condemnation and subsequent transfer of the properties to the private developer was consistent with the common understanding of the public use as understood in the Michigan Constitution. The Michigan Supreme Court held that such a transfer is a public use if it involves public necessity of the "extreme sort otherwise impracticable," e.g., highways, railroads and other instrumentalities of commerce; if the taken property will be devoted to the use of the public, independent of the private developer; or where the selection of taken land is based on public concern, meaning that the underlying purpose for resorting to condemnation has independent public significance, rather than the subsequent use of the land, such as condemnation of blighted housing and subsequent resale to private parties. The Michigan Supreme Court determined that the proposed *Hathcock* transfer did not meet the criteria for a public use and ruled that the use of eminent domain was unconstitutional.

Ms. James noted that rezoning decisions could result in lawsuits against the City of Detroit for an unconstitutional taking. To establish an unconstitutional taking, the plaintiff must show that the rezoning failed to advance a legitimate state interest or that the rezoning has the effect of denying the economically viable use of the land. The plaintiff must show that the property is either unsuitable for use as zoned or unmarketable as zoned. Also, a property owner would have to obtain a final decision from the governmental entity alleged to have



unconstitutionally taken the property and must attempt to obtain just compensation through inverse condemnation. A property owner would have to seek a variance before bringing a claim against the City based on the rezoning decision.

Legislation or an amendment to the State's constitution could potentially affect the eminent domain process or rezoning concerns in Michigan in the future. Rezoning decisions can result in causes of action for unconstitutional takings. But, the plaintiff would have to show that the ordinance did not advance the public interest or that the decision deprived its property of all value in order to prevail.

Commissioner Cason inquired as to the reasons why the City did not use the eminent domain process in acquiring the property for the new Downtown Transit Center Project. Speculators stifle development in the City. Ms. James noted that she did not know the specifics but could look into the matter. Mr. Todd noted that the City never requested a resolution of necessity. Eminent domain was not used.

In response to Commissioner Glenn, Ms. James noted that the recent decisions do not have an effect on rezoning. If there is a taking based on a rezoning where a property owner relied on an older zoning classification and could not build on his property with the new zoning classification, the plaintiff would have to show deprivation of property value. The property owner may be entitled to compensation.

Ms. Bruhn noted a rezoning recently considered by the Commission in which property was zoned residential to commercial. There was one residential property in the area. Would the City be placed in the position of having taken that property? Ms. James responded that the City would have to show that the rezoning is for the good of the whole or the property owner would have to show that the land is not marketable. The plaintiff would have to seek and exhaust all remedies, such as a variance.

Commissioner Glenn inquired as to the taxpayer absorbing the cost of houses demolished by the City. Ms. James noted that the cost eventually is attached to the tax bill for the property.

Commissioner Jeffrey inquired as to whether the City is taking action to recoup the costs of demolition. Ms. James noted that the costs are assessed to the owner of the property and are added on to that property's tax bill. She agreed that the City does not do a good job in collecting monies on foreclosed properties.

Commissioner Jeffrey inquired as to whether the City goes after property owners of vacant buildings that are torn down by the City. He cited a vacant building on Rosa Parks Blvd. that was demolished by the City. Ms. James did not know. She noted that the Treasury Division collects the taxes.

Commissioner Christensen inquired as to whether the railroad companies could acquire land to expand their yard via eminent domain. Ms. James felt that it was possible depending upon the court's interpretation as to whether the use of the taken property represents a public necessity of extreme sort otherwise impracticable such as highways, railroads and other instrumentalities of commerce, whether the taken property will be devoted to the use of the public independent of the private developer, or whether the selection of taken land is based

on public concern, meaning that the underlying purpose for resorting to condemnation has independent public significance.

OLD BUS.--  
Request of  
KDR &  
Assoc./Triad  
Dev. Co.  
to rezone  
property  
in the area  
of E. Nevada,  
E.  
McNichols,  
Chrysler  
Freeway and  
Dequindre  
from R1 to  
R2 for the  
develop-  
ment of  
single-  
family and  
two-family  
duplex  
infill  
housing:

Further consideration was given to the request of KDR & Associates/Triad Development Company to rezone property generally bounded by East Nevada, the alley first north of East McNichols, the Walter P. Chrysler Freeway and the alley first west of Dequindre from R1 (Single-Family Residential District) to R2 (Two-Family Residential District) to develop single-family and two-family duplex in-fill housing.

CPC staff member Michael Adebayo reviewed the background information, responded to concerns raised at the Commission's September 22, 2005 public hearing on this matter and noted the results of a meeting with the community on October 7, 2005. Concerns related to the developer not meeting with the residents prior to the public hearing, the effect of new housing on present property values, whether the developer would try to buy out the current homeowners, the desire of one family to buy a vacant lot adjacent to their home, the timetable for the project, environmental problems and elimination of blight in the area, pre-screening of buyers, and whether the first phase of 21 units would be for sale at market rate.

Kenneth Roberts of KDR and Associates and the staffs of the CPC and P&DD attended the October 7 community meeting at Lomax Temple AME Zion Church. At that meeting, Mr. Roberts indicated that the choice of the subject area was based on demographic analysis, and the availability of vacant lots made the area ideal for infill housing. He discussed the ownership pattern of vacant lots in the area, which included private, City, County, and State ownership. P&DD staff indicated that the taxes would not go up as a result of new housing development. Rev. Harris of Lomax Temple spoke in support of the project indicating that it would be a response to rundown homes, where crimes were being committed. The proposed project would create a community of homeowners. There would be no buyout of homes; new homes should improve the neighborhood. Rev. Harris suggested that the developer should help the community with money for home repairs.

At that meeting, CPC staff suggested that the residents consider forming a neighborhood organization. CPC staff would be willing to meet with them to assist in this effort. Various rehab programs were presented. Over 30 residents of the area signed up to form a community organization. The staff of CPC is expected to meet with them at a later date.

CPC staff felt that infill housing in the subject area would jump-start a neighborhood in a state of decline. Many of the existing lots in the area are narrow and must be combined to better accommodate the new houses. The proposed rezoning from R1 to R2 would give the developer the latitude to develop single-family as well as two-family residential units more efficiently in combinations of two and three lots. The R2 classification is appropriate since R1 will not accommodate two-family residential.

CPC staff noted the availability of a substantial amount of vacant lots. The City owns 135 private lots; private owners own 202 vacant lots in the area. In order to repopulate the subject area, future housing development should not be limited to Greeley and Riopelle, the area of the first phase, but the entire neighborhood. The first phase of 21 housing units should be a catalyst to the future of the neighborhood.

The proposed new housing should not stand in isolation to the surrounding area. The developer should examine available home improvement programs and determine which of them would be suitable and available to the subject area. The community members are in the process of forming a neighborhood organization. When the group is established, it would provide more opportunity for the community to seek funds for housing rehabilitation as a group.

The subject area was designated as a Neighborhood Enterprise Zone (NEZ) by the City Council on June 24, 2005. The NEZ designation would offer 12-year tax abatements to new homeowners in the area. The NEZ designation also allows current homeowners to forego increased property taxes on major rehabilitation.

CPC staff recommended approval of the request.

Commissioner Jeffrey inquired as to why the developer was not present at today's discussion to respond to questions. He inquired as to the reasons for requesting the rezoning at this time given that the land for the project has not been assembled. There is no clear location of where the houses will be placed. There hasn't been a study to see if the project is compatible with the area.

Commissioner Jeffrey noted that residents of the area who appeared at the September 22, 2005 CPC public hearing were very concerned about the project. A resident present at today's meeting who represents the 11<sup>th</sup> Precinct community had indicated that the developers had not approached her community to discuss the project. Commissioner Jeffrey questioned the urgency in acting on the rezoning at this time.

Ms. Bruhn noted that the developers recognize that the development is a multi-year project. The developers want to start building a model home on the service drive. The new houses will only be built when there is interest in buying those houses. The City has committed to selling a certain number of lots to the developers.

Rev. Harris Pastor of Lomax Temple provided background information on his being a partner with the developers. The Church has made a commitment to the subject area. The Church approached the developers about forming a partnership. The Church is very optimistic about the project's proposed positive effect on the area. The project would address rundown homes in the area, and crime. The new homes would improve the area and create a community of homeowners. The developers have met with the community on two occasions. The church held a community meeting on October 18, 2005. The community is in favor of the development. They support home ownership. They are concerned about what will happen to the houses that remain. The Church's role is to organize a neighborhood association under the umbrella of the Church in order to apply for home renovation funds for the existing homeowners.

Ms. Bruhn summarized the outcome of the October 7, 2005 meeting with the community. Approximately 80-90 people were in attendance. Approximately 30 people signed up to form a neighborhood organization. Questions were raised about rental properties, rezoning the area to two-family residential, home repair assistance for the existing homeowners, and purchasing vacant lots.

Ms. Tillman of CPC staff noted that she met with Rev. Harris regarding assisting in the formation of a neighborhood organization. CPC staff was not invited to the meeting on October 18. However, Rev. Harris indicated that eight persons attended the meeting. Minutes of that meeting were provided to the Commission.

Ms. Bruhn noted that CPC staff talked to Mr. Roberts about whether a smaller area should be considered for rezoning at this time. But, because the developer cannot acquire as many lots as originally planned, they are more likely to build throughout the entire area. CPC staff felt the R2 was appropriate.

Commissioner Jeffrey explained that he was only reporting on the strong opposition expressed at the public hearing. The project must have the support of the community before the rezoning is taken to City Council. The proposal impacts the neighborhood. It is important whether one puts a single-family, a duplex or rental property adjacent to an existing homeowner. While not opposed to the rezoning, Commissioner Jeffrey emphasized that the community needs to be actively engaged in determining what happens in that community.

Ms. Tillman noted that CPC staff had spoken with Rev. Harris regarding the need for a community representative to be the leader of the newly formed community organization. The church should only serve as the umbrella for that organization. Rev. Harris must only be a member. A meeting of the community organization is scheduled for November 15. CPC staff will be in attendance at that meeting.

Commissioner Simons inquired as to the number of two-family and single-family residences in the area. Rev. Harris noted that there are approximately 150-200 single-family houses in the area. The developers have shown the design of the houses to the community.

Ms. Bruhn suggested that, given the number of concerns, the Commission not take action at today's meeting but wait until after the community meeting of November 15, 2005.

Rev. Harris felt that the sentiment of the community leaders is to approve the rezoning. Their only question is what will happen to their homes.

Commissioner Glenn felt that rezoning to an R2 classification would change the character of the area. New houses have been built on Nevada which is zoned R1. Upon questioning, Rev. Harris noted that the project consists of the development of 92 single-family houses and 12 duplexes. The developers are aware that everyone will not be able to purchase a single-family house.

Commissioner Simons noted that he was in favor of obtaining details of the project in order to see the big picture. The developer is not here to answer the Commission's questions. When will the development start?

**ACTION: Commissioner Glenn moved to table action on the rezoning to November 17, 2005.**  
**Commissioner Glaser seconded the motion.**  
**Motion carried.**

The Commissioners requested that the developers be present at the November 17, 2005 CPC meeting.

Master Plan  
Meetings:

The Commissioners reviewed the schedule for the CPC public meetings on each of the ten neighborhood cluster plans to obtain public comment on the Revised Master Plan that was submitted to the CPC and City Council by the Planning and Development Department (P&DD). The meetings will be held in the months of November and December. On dates where two clusters are scheduled, separate public meetings for each cluster will be held in separate rooms of the same facility. Locations for the meetings are still being finalized. CPC staff hoped that at least one to two Commissioners would be able to attend each of the cluster meetings.

The Commissioners noted challenges for CPC staff in presenting the Revised Master Plan to the public. Commissioners Simons and Smith noted possible concerns of the community in that input is sought from them but then nothing happened, e.g., the Community Reinvestment Strategy process and realization of its goals.

Ms. Bruhn agreed that there are many challenges. The Revised Master Plan is very general. The next phase in the process is preparation of the supplements, which will define what happens on each block. CPC staff hopes to have five-six staff at each cluster meeting. P&DD representatives will also be present, but only to answer questions. CPC staff, rather than the P&DD, will be making the presentation.

Upon questioning, Ms. Bruhn noted that, to date, five of the six locations for the meetings have been confirmed. The Commissioners requested that the locations of the meetings be included in their next CPC meeting packet.

Commissioner Smith noted that the citizenry might question why they should participate in the process. For example, a lot of time had been spent in providing input into the Community Reinvestment Strategy (CRS). People will say: "We have done this before." "Is this the same old thing?" "Are you using us again?" A majority of time at the upcoming meetings will be spent on what didn't happen. How can staff minimize that? The questions asked by the community will probably be ones that P&DD and CPC staff cannot answer.

Commissioner Smith felt special attention will have to be made in facilitating the meeting. She felt that P&DD should be doing the presentation since it's their document.

Commissioner Jeffrey inquired as to whether some of the goals of the CRS process have been realized in some of the areas. He suggested identifying some of the accomplishments of that study at the public meeting, e.g., the Far East Side project.

Commissioner Cason suggested presenting a progress report pointing out some things that have taken place, e.g., the development of a Farmer Jack's on E. Jefferson, the Kmart on Telegraph and 8 Mile Rd., etc.

Ms. Bruhn suggested that staff present what was accomplished in each cluster as a result of the CRS vision.

Commission Simons provided examples of accomplishment such as development at Grand River and Meyers and Grand River and Wyoming.

Ms. Bruhn noted that the Commission's suggestions would be shared with staff.

Director's  
Report: Ms. Bruhn presented the Director's Report.

Recent City Council actions included approval of the amendments to the Tax Increment Financing Plan as recommended by the CPC.

Ms. Bruhn noted that the criteria for the 2006-2007 CDBG/NOF application will remain the same. Three meetings of the working group, comprised of staff of the CPC, P&DD and City Council, were held to discuss the existing criteria and develop recommendations for City Council. In response to comments of Council members, changes were made to reduce the number of criteria, allow more flexibility in the amounts applied for, and modify some of the "must" criteria to "should." The proposal of the working group failed 3-4.

Commissioner Smith noted that the CDBG pot has gotten smaller. She expressed support for the criteria, and the demand for funding is greater. It was noted that during deliberations, City Council violated some of its own criteria.

The Law Department provided an update to CPC staff on the City's efforts to recover the costs of demolition from property owners. The process is that the Department of Buildings & Safety Engineering notifies the Assessor's Office of all property owners where the City has paid the cost of demolition. The Assessor's Office plans to add the demolition cost to the December tax bill. The names of those property owners who do not pay the taxes will then be forwarded to the Law Department to initiate the collection process. The intent is to go after property owners who have assets either within the City or outside of the City, and to not single out those persons who have no assets. It will probably be one year before the City begins to see significant results from its efforts, but the hope is to eventually make demolition self-supporting. Commissioner Jeffrey expressed strong support for the City to go back as far as it can and collect as much as it can. The City should place liens on as many assets as it can.

Commissioners were invited to a dinner on November 28, 2005 to celebrate the retirement of Ms. Bruhn.

Information on the 2006-2006 CDBG/NOF proposal writing workshop was included in the CPC table packets.

Adjournment: The meeting was adjourned at 7:20 PM.